

**REMARKS**

Applicants have noted the objections to the drawings. Formal drawings providing the appropriate margin requirements are submitted herewith.

The Examiner has noted a number of references and what they teach. In this regard, applicants respectively submit that these references all lack features as taught and claimed by applicants. With respect to PTO 892 Item: U, this referenced is directed to Kodak's PhotoNet Online Service wherein customer images are purged after 30 days unless a set charge is paid for storage. However, this system is just system for storing and accessing images. There is no teaching or suggestion that the Kodak PhotoNet System as set forth therein automatically provides a product with respect to the stored images after reaching a predetermined criteria. As discussed in the present application, image products such as CDs are provided to a customer or designated recipient upon the occurring of a predetermined criteria, such as a particular event. For example, reaching a predetermined number of images or time. However, the predetermined criteria and be any other criteria appropriately selected. This is not taught or suggested by this reference.

The Examiner also refers to PTO 892 Item: U as disclosing charging customers for storing their digitalized photos on a CD-ROM product. However, this also lacks the teaching of automatically providing a product with the stored images on a database after reaching a predetermined criteria established prior to the receipt of images required to provide the product.

PTO 892 Item: V was cited by the Examiner stating that up to 100 digitized images onto a Flashpix CD-ROM may be provided. However, this merely describes the capability this particular product. There is no teaching or suggestion of providing a method or system whereby there is automatically provided a product with respect to images stored on a database after reaching a predetermined criteria established prior to receipt of the image required to provide the product.

With respect to Item: W of PTO 892, here again, this merely teaches or suggests the providing of a product with respect to images dropped off. This fails to teach or suggest, as previously discussed, the automatically providing of a product of stored images on a database after reaching a predetermined criteria established prior to receipt of the images required to provide the product. This

same limitation is also lacking in the remaining PTO Item: X and the Crouse et al. (US 5,764,972).

The Examiner cited the X reference for illustrating the growth in the adoption of CD-based systems for archival storage. This merely discloses storage of data on a CD. It does not teach or suggest the automatically providing of a product to be delivered to a customer after reaching a predetermined criteria established prior to receipt of the images.

With respect to the Crouse et al. reference, it is believed that this reference is of little relevance to the present invention. While this reference does disclose the automatically archiving of information onto a secondary storage, it does not teach or suggest the providing of a product after reaching a predetermined criteria established prior to the receipt of the images required to provide the product. In this regard, the product to which the present invention is directed of providing to a customer or designated recipient. In the Crouse et al. reference, the storage device is used and used for remote storage for later access. See column 8, lines 47-65. Thus, the optical CD provided is not designed to be automatically provided to a customer or designated recipient but is designed for later use in the storage and retrieval system disclosed therein. Furthermore, this reference is directed totally apart and distinct from the previous references cited by the Examiner. The previous cited references are directed to providing of a product or service where customers can access images and order products. The two are directed to two totally different aspects. The Crouse et al. is directed to an archiving file system for data servers in a distributed network environment. The Crouse system is designed for storing images and allowing access to images. The producing of the magnetic tape or optical disk is also for the purpose of storage and retrieval and not for providing a product to a customer. In this regard, the claims have been amended to particularly point out providing a product to a recipient designated by the customer account.

The Examiner in paragraph 2 of the Official Action rejected claims 1-4 and 8-9 under 35 USC § 103(a) as being unpatentable over Florida Times Union (Item: U) in view of archiving (Items: V-X and page 2 of Items: U-V) further in view of Crouse for the reasons set forth in paragraph 2. Applicants have already described the differences between these references to which the present invention is directed. Applicants have also described, the inapplicable

ability of the Crouse et al. reference as being directed to a system totally different from the other cited references. In addition, the Examiner has cited 8 different items upon which the claims for construction of a rejection. In this regard, applicants respectfully submits that, in addition to not being taught or suggested by the prior art, the Examiner has used impermissible hind-sight in an attempt to piece meal applicants' invention. It is almost always possible to construct an invention from selected individual bits of prior art. However, in order to render a claim obvious, there must be a teaching and motivation to combine the references as suggested by the Examiner. There is no teaching or suggestion to combine the numerous references as suggested by the Examiner. Further, as previously discussed, none of the references teach or suggest the automatically providing of a product for delivery to a recipient designated by the customer/customer account with respect to images stored on a database after reaching a predetermined criteria established prior to receipt of the image required to provide the product.

The Examiner in paragraph 3 of the rejected claims 5-7, 10-60 and 62-76 under 35 USC § 103(a) as being unpatentable over the numerous references cited therein for the reasons set forth in that paragraph. It would appear that the Examiner has listed 11 references and has taken official notice upon which the subject claims have been rejected. It is respectfully submitted that the fact that the Examiner has relied on so many references, that this is an indication that the patent claims are not obvious in view of the prior art. If the Examiner is attempting to reject some of the claims based only on some of the cited references, applicants respectfully requests that these be specifically outlined as to how they relate directly to the claims, in particular, the eight (8) independent claims, that have been presented. In addition, there are numerous independent claims that set forth additional features.

Claim 10 is directed to a system for organizing a plurality of images wherein a unique ID is registered. A computer associates the particular goods and/or services to images obtained from at least one image retaining device prior to receipt of the images required to produce the goods and/or services. It is respectfully submitted that the prior art does not teach or suggest this. In none of the references do they teach a system where an image retaining device each having a unique ID or register prior to receipt of the images so that goods and/or services may be provide with regard to that registered ID.

Claim 17, the next independent claim also includes the use of an ID and the forwarding of the ID to a database of a network photoservice provider prior to the photoservice provider receiving the images for association with a customer account. Again, this is patentably distinct for the same reasons previously discussed.

Claim 20 is directed to a system for organizing an image wherein a unique ID is used and the account receiving unique IDs of various image retaining device. The claim further includes the association of particular goods and/or services to image obtained from said plurality of devices prior to receipt if said group of retaining devices required for the fulfillment of the particular goods and/or services. Here again, this is not taught or suggested by the prior art for the reasons previously discussed.

The remaining independent claims include similar limitations. Therefore, these claims are patentably distinct for the same reasons previously discussed.

The summary of the invention has been amended to correspond to the independent claims as amended herein.

In summary, applicants respectfully submits that the application in present form is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

  
Attorney for Applicants  
Registration No. 27,370

Frank Pincelli/djw  
Rochester, NY 14650  
Telephone: (585) 588-2728  
Facsimile: (585) 477-4646

Enclosures: Replacement Figures 1-2, 4-5, 7-8, and 10  
Letter to the Draftsperson  
Copies of Formal Drawings